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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/777,556

02/12/2004

Liew C. Chiu

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5761

7590

06/07/2004

Blakely, Sokoloff, Taylor & Zafman LLP
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EXAMINER

LIN, TINA M

ART UNIT

PAPER NUMBER

2874

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Applicati n N .		Applicant(s)	
	10/777,556		CHIU ET AL.	
	Examiner		Art Unit	
	Tina M Lin		2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-42, 48-50, 54, 63, 64 and 94-96 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 63, 64, 95, and 96 is/are allowed.
- 6) ☒ Claim(s) 38-42, 48-50, 54 and 94 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Pri rity under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

New corrected drawings are required in this application because:

The drawings filed with this application on 12 February 2004, are objected to as being informal. Notice that all the labels on the figures are handwritten as well as the figure numbers. Correction is required in response to this office action. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 38-42, 48-50; and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,901,263 to Gaio et al. and further in view of U.S. Patent 6,364,709 B1 to Jones. In regards to claims 38-42, 48-50, ~~54~~ and ~~54~~⁵⁴, Gaio et al. discloses a fiber optic module comprising of a bail-latch to disengage and withdraw an optical module. Gaio further discloses electro-optic transducers to convert optical signals to electrical ones and electrical signals into optical ones. Furthermore, the bail-latch with a pivoting point disclosed by Gaio et al. can be engaged and disengaged by pulling the latch from the lock or unlock position. Additionally, Gaio et al. discloses that the latch can be made of a metal or a polymeric material. (Column 3)

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Gaio et al. also discloses the fiber optic module to comprise of a boss and that the bail-latch has a pair of pivoting points on opposite sides, each including a point to couple the fiber optic module to be rotationally coupled thereto. (Figure 2, reference # 108) But Gaio et al. fails to specifically disclose the optical fiber module to be withdrawn from a cage assembly and that the module is a SFP cage assembly. However, Jones discloses a SFP cage assembly to be connected to an optical module with the ability to convert optical signals to electrical signals, electrical signals to optical signals and with the ability to disengage the optical module. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art for the optical module to be withdrawn from a cage assembly and to use a SFP cage assembly.

Claim 94 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,901,263 to Gaio et al. and in view of U.S. Patent 6,364,709 B1 to Jones and in further view of U.S. Patent 4,260,210 to Babuka et al. Gaio et al. and Jones discloses all discussed above, and Gaio et al. further discloses a fiber optical module where the bail-latch includes a lever arm (102) and an actuating tab coupled to the lever arm. (Figure 1) But, Gaio et al. and Jones fails to disclose a pivoting fastener coupled to one end of the lever arm. However, Babuka et al. discloses a pivoting faster coupled to one end of the lever arm. (Column 5 Lines 44-48) Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have used a pivoting fastener coupled to one end of the lever arm in order to better secure the attachment between the bail-latch and the module.

Allowable Subject Matter

Claims 63, 64, 95 and 96 are allowable. The prior art of record in this application fails to disclose or reasonably suggest a configuration of a fiber optic module with one or more

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transducers with a printed circuit board with two sides, two cages, the first cage coupled to one side of the printed circuit board to receive a first fiber optic module having a first bail delatching mechanism, the second cage coupled to the other side of the printed circuit board to receive a second fiber optic module having a second bail delatching mechanism, where the second cage is aligned parallel to the first cage such that the first cage belly is adjacent to the second cage belly and when received in the first and second cage, the first fiber optic module and the second fiber optic module having an adequate spacing to allow the first bail delatching mechanism and the second bail delatching mechanism to rotate to a disengaged position. The closest prior art of record is Gaio et al. Gaio et al. discloses a fiber optic module comprising of a bail-latch to disengage and withdraw an optical module with a printed circuit board. Gaio further discloses electro-optic transducers to convert optical signals to electrical ones and electrical signals into optical ones. Furthermore, the bail-latch with a pivoting point disclosed by Gaio et al. can be engaged and disengaged by pulling the latch from the lock or unlock position. But Gaio et al. fails to disclose two sets of cage assemblies, where a second cage assembly is attached to the second side of the printed circuit board. Furthermore, Gaio et al. fails to disclose the two cage assembly bellies to be placed adjacent to each other.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References C-E discuss fiber optic modules with cage assemblies and levers or push buttons to engage and disengage from the cage assembly from the fiber optic module. However, none of the documents cited discloses or reasonably suggests the allowable subject matter discussed above.

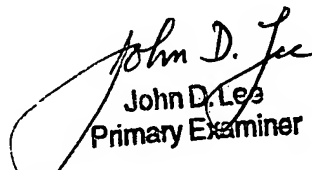
This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tina M Lin whose telephone number is (571) 272-2352. The examiner can normally be reached on Monday-Friday 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


TML


John D. Lee
Primary Examiner